

REMARKS/ARGUMENTS**Status of Claims in the Case**

- **Claims 1 and 4-6 stand rejected under 35 USC §102(b) as Anticipated by Scott, USP 6,420,006.**
- **Claims 2,3,7-21 and 23-33 stand rejected under 35 USC § 103(a) as being Obvious over Scott, USP 6,420,006.**

Claims 1, 14, 17, and 29 have been amended. Applicants request the amendments be entered into the file. Support for the amendments can be found in the as-filed specification and claims. No new matter has been added.

Please cancel Claim 12 with out prejudice.

Rejection Under 35 USC § 102(b):

Claims 1, and 4-6 stand rejected under 35 USC § 102(b) as being anticipated by the Scott reference (USPN 6,420,006). Applicant respectfully traverse the rejection. Claim 1 has been amended to obviate the rejection.

As amended, Claim 1 now recites an adhesive label comprising: a label having a first and second sections, each section having first and second opposite sides, wherein the first side of the first section is contiguous with the first side of the second section, and wherein the second section forms a tab portion extending from an edge of the first section; and an adhesive layer adapted to releaseably adhere the label to a substrate surface, wherein, the adhesive is adapted to remain adhered to the substrate and the label during exposure to temperatures ranging between approximately -40°C and +50°C and the entire label, including the entire adhesive layer, can be removed from the substrate after exposure to temperatures ranging between approximately -40°C and +50°C by pulling the nonadhesive second portion away from the substrate, the adhesive layer being confined to covering at least a portion of the first side of the first section and configured such that the degree of adhesion of the first side of the first section to the substrate surface is substantially uniform such that the entire label, including the entire adhesive layer, detaches from the substrate surface when

the tab portion is grasped by a user and lifted away from the substrate surface.

In contrast, the Scott '006 reference nowhere teaches or discloses each and every limitation recited in Claim 1. A claim is anticipated only if each and every element as set forth in the claim is found either, either expressly or inherently, in the four corners of a single, prior art document, such that a person of ordinary skill in the art could practice the invention without undue experimentation." *Atlas Powder Co. v. Ireco Inc.*, 190 F.3d 1342, 1347, 51 U.S.P.Q.2D (BNA) 1943, 1947 (Fed. Cir. 1999). In particular, Scott '006 does not disclose the limitation of the adhesive being adapted to remain adhered to the substrate and the label during exposure to temperatures ranging between approximately -40°C and $+50^{\circ}\text{C}$ and the entire label, including the entire adhesive layer, can be removed from the substrate after exposure to temperatures ranging between approximately -40°C and $+50^{\circ}\text{C}$ by pulling the nonadhesive second portion away from the substrate. At best, Scott implies that his invention is useful at around room temperature as this invention is useful for cleaning cloths impregnated with appropriate cleaning solutions that could be used as wetted baby wipes or hand towels.

Accordingly, because Scott '006 does not recite the aforementioned adhesive utility temperature range, nor the limitations or the adhesive remaining adhered to the label on removal from a substrate after exposure to such temperatures, the Scott reference cannot anticipate Claim 1 nor any claim based on Claim 1, i.e. Claims 4-6.

Further, to the extent that the Examiner may attempt to assert that the claimed temperature range now recited in Claim 1 would have been obvious to one of ordinary skill in the art, it is noted that motivation to use such an adhesive as that now claimed is nowhere found in Scott as he teaches only pressure sensitive adhesives, which given the intended use of the invention described in Scott, would appear to be only particularly applicable to temperatures around room temperature. Accordingly, it is respectfully submitted that a prima facie case of obviousness based on Scott with respect to Claims 1 and 4-6 cannot be made because of a lack of motivation to so modify Scott to meet the limitations of the present claims. Thus Claim 1 and dependent Claims 4-6 are patentable over the cited reference.

Rejections under 35 USC § 103(a)

Claims 2,3,7-21 and 23-33 stand rejected under 35 USC § 103(a) as being unpatentable over Scott, USP 6,420,006.

With respect to Claims 2 and 3, in view of now amended Claim 1 this rejection is believed to be obviated. To establish a *prima facie* case of obviousness, all of the limitations recited in the subject claim must be taught or suggested in the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A 1974). With respect to Claims 2 and 3, if an independent claim is nonobvious in view of the art, then any claim depending therefrom also cannot be obvious in view of that art. *In re Fine*, 5 U.S.P.Q. 2d 1956 (Fed. Cir. 1988). As Claims 2 and 3 depend at least in part from now amended Claim 1 applicant respectfully suggest they are patentable over Scott. As there has been no additional art cited that would overcome the deficiencies of Scott, as noted above with respect to Claim 1, it is respectfully submitted that a *prima facie* case of obviousness regarding Claims 2 and 3 has not been established. Accordingly Applicant respectfully request reconsideration of the rejection.

With respect to Claim 5, if an independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is by definition non-obvious. *In re Fine*, 5 USPQ 2d. 1596 (Fed. Cir. 1988). Applicant respectfully submits that Claim 5 depends at least in part from amended independent Claim 1 and is therefore non-obvious over Scott. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Scott.

With respect to Claims 13, 14 and 29, the rejection is respectfully obviated by amendment. Scott only discloses pressure sensitive adhesives in conjunction with packages containing wetted baby wipes or hand towels. Such cleaners and their packages are useful at around room temperature. Further, there is no explicit or implicit teaching or suggestion that a pressure sensitive adhesive, as described in Scott, would function after exposure to temperatures ranging between approximately -40°C and +50°C. Accordingly Applicant respectfully request a reference be cited or an article provided showing the knowledge of one skilled in the art to support the rejection or that the rejection be withdrawn. Further, Scott provides no motivation to support the rejection, nor indication of success of using his pressure sensitive adhesive over the claimed temperatures. Accordingly, the rejection is

improper and should be withdrawn.

With respect to Claims 15 and 16, if an independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is by definition non-obvious. *In re Fine*, 5 USPQ 2d. 1596 (Fed. Cir. 1988). Applicant respectfully submits that Claims 15 and 16 depend at least in part from amended independent Claim 14 and therefore are non-obvious over Scott. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of Claims 2-7 under 35 U.S.C. § 103(a) as being unpatentable over Scott.

With respect to Claims 30-33, if an independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is by definition non-obvious. *In re Fine*, 5 USPQ 2d. 1596 (Fed. Cir. 1988). Applicant respectfully submits that Claims 30-33 depend at least in part from amended independent Claim 29 and therefore are non-obvious over Scott. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of Claims 30-33 under 35 U.S.C. § 103(a) as being unpatentable over Scott.

With respect to independent Claim 17, Applicant respectfully submits that the rejection is obviated by an appropriate amendment. Scott nowhere teaches or suggests a limitation of an adhesive layer adapted to releaseably adhere the label to a substrate surface, wherein, the adhesive is adapted to remain adhered to the substrate and the label during exposure to temperatures ranging between approximately -40°C and +50°C and the entire label, including the entire adhesive layer, can be removed from the substrate after exposure to temperatures ranging between approximately -40°C and +50°C. Accordingly, Applicant respectfully submits that the claim is non-obvious over Scott as the reference only teaches pressure sensitive adhesives as noted above and the applications taught therein are typically only operative in and around room temperature. Moreover, there is no explicit or implicit teaching or suggestion that a pressure sensitive adhesive, as described in Scott, would function after exposure to temperatures ranging between approximately -40°C and +50°C.

With respect to Claims 18-21 and 23-28, if an independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is by definition non-obvious. *In re Fine*, 5 USPQ 2d. 1596 (Fed. Cir. 1988). Applicant respectfully submits that Claims

18-21 and 23-28 depend at least in part from amended independent Claim 17 and therefore are non-obvious over Scott. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of Claims 18-21 and 23-28 under 35 U.S.C. § 103(a) as being unpatentable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant believes no further additional fee is due with this response. However, if an additional fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02166US0 from which the undersigned is authorized to draw.

Dated: August, 22, 2003

Respectfully submitted

By 

Marc L. Delfache

Registration No. 28, 942

FULBRIGHT & JAWORSKI L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
(713) 651-5151
(713) 651-5246 (Fax)